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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **GEOFFREY RAYMOND WEST** **1358 Harold Avenue** **Simi Valley, CA 93065** **Registered Nurse License No. 632296** Respondent.	Case No. 2013-504 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about February 10, 2004, the Board of Registered Nursing issued Registered Nurse License Number 632296 to Geoffrey Raymond West (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Pursuant to section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after expiration.

STATUTES AND REGULATIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

. . .

8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with

Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

. . .

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

9. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUG STATUTES

11. **Dilaudid** is a brand name for Hydromorphone, which is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(J), and is categorized as a dangerous drug pursuant to section 4022.

12. **Morphine/morphine sulfate** is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(L), and is categorized as a dangerous drug pursuant to section 4022.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Obtain Controlled Substance Unlawfully)

13. Respondent is subject to disciplinary action under section 2762, subdivision (a), in that Respondent obtained a controlled substance in violation of the law. The circumstances are as follows:

a. On or about March 10, 2011, while working as a registered nurse in the emergency room at Pacifica Hospital of the Valley, Respondent surreptitiously used the log-in code of another employee, charge nurse R.D., to withdraw a 4 mg vial of Dilaudid from the Omnicell narcotics dispensing machine purportedly for Patient E.A.[1] In addition, Respondent falsely documented that a physician had ordered the Dilaudid for Patient E.A., when in fact no such order had been given. After being confronted with this unlawful diversion of Dilaudid, Respondent abruptly resigned his position at the hospital. A subsequent investigation into all of Respondent's Omnicell activity from January 2011 through March 2011 evidenced additional instances of drug diversion by Respondent, as follows.

b. On or about March 8, 2011, Respondent withdrew a 1 mg ampule of Dilaudid at 2115 for Patient M.C. At that time, there was no physician order to administer Dilaudid to Patient M.C., yet Respondent removed the Dilaudid from the Omnicell and charted that it had been administered to Patient M.C. Roughly an hour later, at 2221 on March 8, 2011, Respondent withdrew another 1 mg ampule of Dilaudid from the Omnicell, which was also to be administered to Patient M.C. At that time, there was no physician order to administer Dilaudid to Patient M.C. In addition, Respondent failed to chart that he administered the second dose of Dilaudid to Patient M.C. Respondent later noted in the patient's chart that a verbal order for 1 mg of Dilaudid was given by Dr. Az at 2230; however, the purported order, which would have been made after Respondent withdrew and administered the Dilaudid, was not countersigned by Dr. Az.

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[1] The Omnicell system is an automated medication dispensing machine which requires an access code and PIN and which records pertinent information about transactions, including the identity of the individual withdrawing the medication, the time and date of the withdrawal, the medication dispensed, the patient to whom the medication is being administered and the name of the ordering physician.

c. On or about January 31, 2011, Respondent withdrew 4 mg of Dilaudid pursuant to a physician order calling for 4 mg of Dilaudid Intramuscular to be administered to Patient T.W. Respondent charted that he administered the 4 mg of Dilaudid to Patient T.W. as directed. Respondent then documented a purported verbal order from Dr. Ab for an additional 2 mg of Dilaudid, with no time or route indicated. Respondent then removed another 4 mg of Dilaudid and charted that he administered 2 mg to Patient T.W. twenty (20) minutes before the patient was discharged despite the fact that the nursing notes do not support that Patient T.W. was in pain prior to discharge. In addition, Respondent failed to document that the remaining 2 mg of Dilaudid was wasted.

d. On or about January 15, 2011, Respondent withdrew one 4 mg vial of morphine sulfate and one 2 mg vial of morphine sulfate pursuant to a physician order calling for the administration of 4 mg of morphine sulfate to Patient A.O. Respondent then charted that he administered 4 mg of Dilaudid to patient A.O., but he failed to document that he wasted the extra 2 mg vial of morphine sulfate that he had removed from the Omnicell.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: False/Grossly Incorrect Entries Related to Narcotics)

14. Respondent is subject to disciplinary action under section 2762, subdivision (e), in that Respondent made false and/or grossly inaccurate entries in records pertaining to controlled substances. The circumstances are as follows:

a. On or about February 8, 2011, Respondent removed one 4 mg vial of morphine sulfate and one 2 mg vial morphine sulfate pursuant to a physician order that 10 mg of morphine sulfate be administered to Patient J.W. Despite withdrawing only a total of 6 mg of morphine sulfate, Respondent documented in his charting that the 10 mg dose ordered by the physician was administered to Patient J.W.

b. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 13, subdivisions a through d, inclusive, as though set forth fully herein.

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THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Incompetence)

15. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), in conjunction with California Code of Regulations, title 16, section 1443, in that Respondent demonstrated a lack of possession and/or failure to exercise the degree of learning, skill, care and experience ordinarily possessed and exercised by a competent nurse. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 13, subdivisions a through d, and paragraph 14, subdivisions a and b, inclusive, as though set forth fully herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 632296, issued to Geoffrey Raymond West;

2. Ordering Geoffrey Raymond West to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: December 19, 2012

for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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